

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:94cr62-MHT
) WO
 CURTIS DRAYTON)

ORDER

Defendant Curtis Drayton, through counsel, has filed a pleading styled as a "*Motion under Rule 35(a) & 36 Fed. R. Crim. P. to Correct Sentence for Clear Error*" (Doc. # 1874), wherein he challenges the sentences imposed upon him by this court in 1995 for violations of various federal controlled substance laws. A review of the claims presented by Drayton in his pleading indicates that he seeks relief from this court that is appropriate only under the remedy provided by 28 U.S.C. § 2255. Accordingly, the Clerk of this court is hereby DIRECTED to:

1. Open a civil action under 28 U.S.C. § 2255.
2. Docket Drayton's "*Motion under Rule 35(a) & 36 Fed. R. Crim. P. to Correct Sentence for Clear Error*" (currently docketed as Doc. # 1874 under 2:94cr62-MHT) in the newly opened civil action.
3. Assign the newly opened case to the Magistrate Judge and District Judge to whom the instant case is assigned; and
4. Refer the case file to the appropriate Magistrate Judge for further proceedings upon completion of the foregoing directives.

Done this 24TH day of January, 2006.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE